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## Leveraging Technology to Promote Access to Justice

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# LEVERAGING TECHNOLOGY TO PROMOTE ACCESS TO JUSTICE



Villanova's Leveraging Technology to Promote Access to Justice course combines legal technology with innovative teaching methods to create better lawyers.

BY AMY A. EMERSON

In January 2023, Bloomberg Law named Villanova's Leveraging Technology to Promote Access to Justice course a top 10 finalist in its Inaugural Law School Innovation Program, which serves to recognize law schools "that advance new methodologies and approaches to student instruction, legal technology implementation and adoption, experiential learning, and other facets of legal education."

Villanova's course is designed for law students who are interested in the intersection of law and technology and have a desire to do work that promotes access to justice for low-income and self-represented litigants. It partners students with community legal aid organizations to build technological solutions to problems identified by the community partners.

Using open-source software, students gain first-hand experience in applying the type of logical reasoning used in programming to create online guided interviews that include just-in-time learning tools such as pop-up definitions, help questions and answers, and graphics and videos that contextualize the legal process for the user. By the end of the semester, students produce a tangible work product for the community partner in the form of a functional app intended for immediate adoption.



### Course Details

The Villanova course has obvious and important benefits to community partners and the individuals they serve, but Bloomberg's recognition specifically focused on its unique, all-in-one course combination of building legal technology applications and integrating innovative teaching methods. At a time when the legal education industry is rightly being asked to account for how we teach our students, this course delivers much needed change.

More than two decades ago, Professor Barry Zimmerman introduced the value of "self-regulated learning" to the academic community, but it was first addressed in the law school environment by Professor Michael Hunter Schwartz, who noted the correlation between student success and self-regulated behavior and encouraged law schools to adopt this teaching methodology. He observed that students who engage in self-regulated learning experience the learning process as "something they do for themselves, rather than something that is done to or for them."

This course employs self-regulated learning as an alternative way for students to learn the substance of the law and apply it to real-world conditions through the technology they build. Students begin the course by researching and writing a legal memorandum to gain

an understanding of the substantive and procedural law involved in the project. Next, the students learn how to convey the law in plain language (at a fifth-grade reading level) so that it is clear and understandable to the average person. Finally, they receive formal training on the software.

It is during this formal software training phase that students are introduced to self-regulated learning. It is a cyclical process that includes the *forethought* phase (setting goals and strategic planning), the *performance* phase (implementation), and the *reflection* phase (attribution and adaptation). First, they create a scope document. The scope document not only identifies the tasks to be completed for the project, but also defines the boundaries of the project, identifies concrete steps for how the work will be done, includes timely deadlines, and sets forth how the students, instructor, and community partner will collaboratively measure success.

Next, applying best practices set forth in "[Thinking Like a Lawyer, Designing Like an Architect: Preparing Students for the 21st Century Practice](#)" by Tanina Rostain, Roger Skalbeck, and Kevin Mulcahy, the students create a storyboard and a design document. The storyboard is a graphical or written flowchart that represents the information gathering process that will occur during the building of the legal application. The design document sets forth the conclusions the application will reach, the rules governing those conclusions, the relevant facts, and the outputs the application must produce. Together, the storyboard and the design document guide the students as they build the technology and enable the students to master the logic behind the legal process and properly organize the information being gathered in the application. This is where the students see the law in action—they observe how one procedural step leads to the next, they address how the law applies to different factual scenarios, and they anticipate the needs of their users in exhaustive detail. It is at this point that the students begin to think about legal regimes as systems that may be powerful or inadequate, and it is in this process that in-depth learning occurs.

As the semester comes to an end, students conduct user testing of their applications, make corresponding improvements, write personal reflection memos, and ultimately present the final product to the community partner. These steps contribute to the self-regulated learning process by providing concrete feedback that allows the students to properly attribute why something went right or wrong, rather than simply ascribing their successes or mistakes only to their perceived personal competence. Students are thereby able to accurately identify whether they need to improve their understanding of the law, improve their written communication, or improve their technical skills, all of which provide for professional growth by clarifying one's strengths and weaknesses in context.



## Course Outcomes

As Schwartz observed, self-regulated learners are more successful in the classroom, on the bar exam, and in the practice of law, because they learn to set mastery goals rather than performance goals. In other words, these students are focused on acquiring knowledge and skills rather than on simply earning a grade. Focusing on internal motivations instills a growth mindset in which challenges and setbacks are seen as an opportunity to improve rather than as personal failings or shortcomings.

When students can properly attribute where their learning has gone wrong and where it has gone well, they learn to become lawyers who are able to appropriately adapt to their work. Through this course, they also become lawyers who are prepared to define the scope of their work, create goals, employ heightened logical reasoning, communicate in plain language, meet deadlines, collaborate, manage a project, and evaluate outcomes through testing and analytics.

Equally important, this course also leads students to reconsider what it means to be an effective lawyer. For example, the necessity to convey the law in plain language highlights the difficulty nonlawyers encounter when trying to independently read and understand the law. Similarly, automating legal documents highlights how difficult court materials can be to understand and how something as simple as improperly completing a form contributes to the justice gap. As the students struggle to understand exactly what a legal form is asking for and why, they come to realize that self-represented litigants who are completing these forms alone are likely to do so incorrectly, and therefore, unlikely to be heard in court.

Finally, the students come to understand how technology works and how it can be systemically applied to address legal problems. This is crucial as the legal and technology sectors continue to merge. There is a key and vital role for future lawyers who can embrace technological innovation to address public policy.

All of this is deeply important as students who are self-regulated learners become newly minted lawyers who understand that knowledge is gained through experience, reflection, and analysis, and are thereby able to see themselves as actors with alternatives. This in turn allows them to engage in critical reflection with the legal system, including their role within the system and how their values interact with others in that system. They become lawyers who can engage in systemic critiques of the law and who can think outside the constraints of tradition to potentially change the law's systemic roles in society.

## The Benefits

This course and the accompanying teaching method can readily be deployed at other law schools for several reasons. First, bar admission is not required on the

part of the professor. The community partner serves as the supervising lawyer and works with the professor to review the students' memorandum of law for accuracy and meets with the class throughout the semester to provide ongoing feedback about the procedural and substantive material included in the guided interview.

In addition, there are multiple software options freely available for use in academic institutions and nonprofits at no cost, such as [DocAssemble](#) and [CALI's A2J Author](#). A2J Author is intuitive to use, does not require prior technical experience or coding knowledge, and existing A2J Author guided interviews may often be scaled to other jurisdictions. The A2J Author staff are available to provide real-time and recorded training sessions, as well as to answer questions that arise throughout the semester. A2J Author's privacy and security standards meet those of the European Union's GDPR, and A2J Author provides hosting services (again at no charge) for their guided interviews. The final work product is easily passed from the students to the community partner at the end of the semester for ongoing use and maintenance. A nice feature supporting sustainability is that A2J Author provides the ability to include a legal citation for each guided interview question on the back end so that it is easy to check for amendments to the governing law as needed.

Moreover, there is no required textbook for this course. Current readings from journal articles and legal news are easily provided through one's course management system, making the readings timely and relevant and saving students money.

Finally, the self-regulated teaching method can be used in any context but is particularly well suited to a legal technology course. Through this process, students not only find their professional identities within, but also gain the professional agility to be leaders in questioning the status quo, using logic and analytics to determine the best path forward, identifying efficiencies and employing technology to drive functional change. ■

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